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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,017	05/10/2001	Asaf Tamir	452/65048 5152	
7590 08/30/2006			EXAMINER	
RICHARD F. JAWORSKI			MCFADDEN, SUSAN IRIS	
Cooper & Dunham LLP 1185 Avenue of the Americas New York, NY 10036			ART UNIT	PAPER NUMBER
			2626	
			DATE MAILED: 08/30/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	09/853,017	TAMIR ET AL.				
Office Action Summary	Examiner	Art Unit				
	Susan McFadden	2626				
The MAILING DATE of this communication app	ears on the cover sheet with the c	orrespondence address				
Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period v - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tin vill apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on 13 Ju	ılv 2006.					
<u> </u>						
·—						
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims						
4) Claim(s) 22,23,35-38,40,41 and 43-49 is/are pending in the application.						
4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>22,23, 35-38,40,41, and 44-49</u> is/are rejected.						
7)⊠ Claim(s) <u>43</u> is/are objected to.						
8) Claim(s) are subject to restriction and/o	r election requirement.					
Application Papers						
9) The specification is objected to by the Examine	r.					
10)⊠ The drawing(s) filed on 10 May 2001 is/are: a)⊠ accepted or b) objected to by the Examiner.						
Applicant may not request that any objection to the	drawing(s) be held in abeyance. See	e 37 CFR 1.85(a).				
Replacement drawing sheet(s) including the correct						
11)☐ The oath or declaration is objected to by the Ex	aminer. Note the attached Office	Action or form PTO-152.				
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:	priority under 35 U.S.C. § 119(a)-(d) or (f).				
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bureau	ı (PCT Rule 17.2(a)).					
* See the attached detailed Office action for a list	of the certified copies not receive	ed.				
Attachment(s)	,	(DTO 448)				
Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948)	4) Interview Summary Paper No(s)/Mail D	ate				
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date		Patent Application (PTO-152)				

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DETAILED ACTION

Claim Objections

- 1. Claim 43 is objected to because of the following informalities: it is similar to claim
- 22. Appropriate correction is required.

Response to Amendment

Response to Arguments

1. Applicant's arguments with respect to claims 22-40 have been considered but are most in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 3. Claims 22,23,35-38,40,41, and 44-49 are rejected under 35 U.S.C. 102(b) as being anticipated by Mark (5,825,871).

In regard to claims 22,44, and 47, Mark shows a credit-card sized apparatus and method capable of receiving and processing audio signals, comprising: a power source; an audio output device; an input device capable of receiving human voice inputs; a data processing device configured to process human voice inputs received by the input device and to generate a packet of digital data indicating a result of the processing and transmission circuitry adapted to modulate an audio signal with the packet of digital data

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and transmit the modulated audio signal through the audio output device (col 47-48, col. 66, claims 1-3,13).

In regard to claim 23, Mark further shows that the audio output device comprises a device for outputting human-audible sounds (col. 66, claim 6).

In regard to claims 35,40, and 41, Mark further shows that a memory contains information related to voice patterns and wherein the data processing device is adapted to compare human voice inputs and general characteristics and word content (col. 47) to the voice patterns in the memory (col. 66, claim 6).

In regard to claims 36-38, Mark further shows that the data processing device is adapted to inherently activate an application or a data provision (or a magnetic strip) unit if a match is found in the comparison (col. 67, claim 7).

In regard to claims 45-46, Mark further shows that the packet includes user identification data and digitization of a human voice input (col. 47-48).

In regard to claims 48-49, Mark further shows that the modulated audio signal is transmitted over a telephone network and the modulated audio signal is received through a regular sound card (col. 47-48, claim 18).

Allowable Subject Matter

- 4. Claim 43 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
- 5. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record, Mark shows it is well known to have a smart card with

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voice processing capabilities and an audio output modulation. Mark does not show or suggest that an ultrasound signal can be transmitted through the audio output device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan McFadden whose telephone number is 571-272-7621. The examiner can normally be reached on Monday-Friday, 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on 571-272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Susan McFadden Primary Examiner Art Unit 2626

August 24, 2006